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EXAMINER

WASSUM, LUKE S

ART UNIT

PAPER NUMBER

2177

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/188,492

Applicant(s)

BAE, SEONGHO

Examiner

Luke S. Wassum

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Receipt is acknowledged of Applicant's Amendment, filed 8 November 2001.
2. As a result of the Amendment, claims 1 and 11 have been amended. Claims 1-20 are now presented for examination.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-4, 6-9 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by

**Pollard et al.** (U.S. Patent 6,256,624).

5. Regarding claims 1, 6 and 16, **Pollard et al.** teaches a data processing environment and apparatus as claimed, comprising:

a) a user terminal for permitting a user to view a report (see discussion of the delivery of information reports via Internet communication services, col. 1, lines 44-46 and col. 4, lines 63-66);

- b) a publicly accessible digital communications network coupled to said user terminal (see discussion of the delivery of information reports via Internet communication services, col. 1, lines 44-46 and col. 4, lines 63-66);
- c) a server responsively coupled to said user terminal via said publicly accessible digital communications network (see delivery system 190 in Figure 1; see also col. 11, lines 43-50);
- d) a database management system which automatically generates said report in response to a predetermined signal not initiated by said user terminal responsively coupled to said server (see col. 6, lines 10-35); and
- e) an administrative module within said server which spools said report for later electronic delivery to said terminal at a predetermined time (see discussion of the scheduler, col. 8, lines 11-46; see also col. 13, line 53 through col. 14, line 42).

6. Regarding claims 2 and 7, **Pollard et al.** additionally teaches a data processing environment and apparatus wherein said server electronically delivers said report to a plurality of user terminals (see discussion of the delivery of information reports via Internet communication services, col. 1, lines 44-46 and col. 4, lines 63-66; see also col. 1, lines 18-32).

7. Regarding claim 4, 8 and 18, **Pollard et al.** additionally teaches a data processing environment and apparatus further comprising a repository for storing said report for later electronic delivery to said plurality of user terminals (see report output file 122 in Figure 1; see also col. 12, lines 44-46).

8. Regarding claims 3, 9 and 17, **Pollard et al.** additionally teaches a data processing environment and apparatus wherein said publicly accessible digital communications network is the World Wide Web (see discussion of the delivery of information reports via Internet communication services, col. 1, lines 44-46 and col. 4, lines 63-66).

9. Claims 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Geerlings** (U.S. Patent 5,956,693).

10. Regarding claim 11, **Geerlings** teaches a method of communicating between a user terminal and a database management system substantially as claimed, comprising:

- a) automatically generating a report by said database management system in response to a sensed signal at a first predetermined time (see col. 3, lines 10-12; see also col. 5, lines 33-40);
- b) converting said report into an HTML display page (see disclosure that web pages are a possible delivery mechanism, col. 2, lines 30-50, and col. 5, lines 24-32; see also col. 15, line 40 through col. 16, line 12);
- c) spooling said HTML display page within a repository (see disclosure that web pages are a possible delivery mechanism, col. 2, lines 30-50, and col. 5, lines 24-32; see also col. 15, line 40 through col. 16, line 12; see also col. 5, lines 33-57);
- d) making a service request from said user terminal to said database management system (see col. 2, lines 26-27); and
- c) transmitting said HTML display page from said database management system to said user terminal at a second predetermined time (see disclosure that web pages are a possible

Art Unit: 2177

delivery mechanism, col. 2, lines 30-50, and col. 5, lines 24-32; see also col. 15, line 40 through col. 16, line 12; see also col. 5, lines 33-57).

11. Regarding claim 12, **Geerlings** additionally teaches a method wherein said user terminal comprises an industry compatible personal computer (see disclosure that web pages are a possible delivery mechanism, col. 2, lines 30-50, and col. 5, lines 24-32; see also col. 15, line 40 through col. 16, line 12).

12. Regarding claim 13, **Geerlings** additionally teaches a method further comprising a plurality of user terminals (see disclosure that web pages are a possible delivery mechanism, col. 2, lines 30-50, and col. 5, lines 24-32; see also col. 15, line 40 through col. 16, line 12).

13. Regarding claim 14, **Geerlings** additionally teaches a method wherein said transmitting step further comprises transmitting over the World Wide Web (see disclosure that web pages are a possible delivery mechanism, col. 2, lines 30-50, and col. 5, lines 24-32; see also col. 15, line 40 through col. 16, line 12).

### *Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2177

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Pollard et al.** (U.S. Patent 6,256,624) as applied to claims 1-4, 6-9 and 16-18 above, and further in view of **Geerlings** (U.S. Patent 5,956,693).

16. Regarding claim 10, **Pollard et al.** teaches a data processing environment and apparatus substantially as claimed.

**Pollard et al.** does not explicitly teach a data processing environment and apparatus wherein said user terminal is an industry compatible personal computer having a web browser.

**Geerlings**, however, teaches a data processing environment and apparatus for automatic report delivery, wherein said user terminal is an industry compatible personal computer having a web browser (see disclosure that web pages are a possible delivery mechanism, col. 2, lines 30-50, and col. 5, lines 24-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to prepare reports to be delivered to a user terminal comprising an industry compatible personal computer having a web browser, since by definition such computers are ubiquitous within the computer art, and as such it would have been obvious to prepare reports that were capable of being received and displayed on such machines.

17. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pollard et al.** (U.S. Patent 6,256,624) as applied to claims 1-4, 6-9 and 16-18 above, and further in view of **Admission** (Admitted Prior Art).

18. Regarding claims 5 and 19, **Pollard et al.** teaches a data processing system substantially as claimed.

**Pollard et al.** does not teach a data processing system wherein said generating means further comprises CLASSIC MAPPER database management system.

**Admission**, however, teaches the CLASSIC MAPPER database management system (see applicant's specification [as amended], page 4, lines 7-13).

It would have been obvious to one of ordinary skill at the time of the invention to incorporate the CLASSIC MAPPER database management system, since it is admitted as prior art that CLASSIC MAPPER is one of the most successful database management systems (see page 4, lines 9-12).

19. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Pollard et al.** (U.S. Patent 6,256,624) in view of **Admission** (Admitted Prior Art) as applied to claims 5 and 19 above, and further in view of **Geerlings** (U.S. Patent 5,956,693).



Art Unit: 2177

20. Regarding claim 20, **Pollard et al.** and **Admission** teach a data processing environment and apparatus substantially as claimed.

Neither **Pollard et al.** nor **Admission** explicitly teaches a data processing environment and apparatus wherein said user terminal is an industry compatible personal computer having a web browser.

**Geerlings**, however, teaches a data processing environment and apparatus for automatic report delivery, wherein said user terminal is an industry compatible personal computer having a web browser (see disclosure that web pages are a possible delivery mechanism, col. 2, lines 30-50, and col. 5, lines 24-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to prepare reports to be delivered to a user terminal comprising an industry compatible personal computer having a web browser, since by definition such computers are ubiquitous within the computer art, and as such it would have been obvious to prepare reports that were capable of being received and displayed on such machines.

21. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Geerlings** (U.S. Patent 5,956,693) as applied to claims 11-14 above, and further in view of **Admission** (Admitted Prior Art).

22. Regarding claim 15, **Geerlings** teaches a data processing system substantially as claimed.

**Geerlings** does not teach a data processing system wherein said generating means further comprises CLASSIC MAPPER database management system.

**Admission**, however, teaches the CLASSIC MAPPER database management system (see applicant's specification [as amended], page 4, lines 7-13).

It would have been obvious to one of ordinary skill at the time of the invention to incorporate the CLASSIC MAPPER database management system, since it is admitted as prior art that CLASSIC MAPPER is one of the most successful database management systems (see page 4, lines 9-12).

### ***Response to Arguments***

23. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

24. Regarding the Applicant's argument that the specification and drawings cannot be used to reject claims 5, 15 and 19, the examiner respectfully points out the following section from the MPEP:

2129 Admissions as Prior Art  
ADMISSIONS BY APPLICANT CONSTITUTE PRIOR ART  
When applicant states that something is prior art, it is taken as being available as prior art against the claims. Admitted prior art can be used in obviousness rejections. In re Nomiya, 509 F.2d 566, 184 USPQ 607, 610 (CCPA 1975) (Figures in the application labeled "prior art" held to be an admission that what was pictured was prior art relative to applicant's invention.).

Since the Applicant's Admission regarding the Classic MAPPER database appears in the very first paragraph of the section labeled 'Description of the Prior Art', the examiner believes that the use of the Admission in the rejection of the cited claims is proper.

### *Conclusion*

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Geerlings** (U.S. Patent 6,073,112) teaches a system that provides automated merchant-to-customer communication.

**Hughes et al.** (U.S. Patent 5,893,074) teaches a schedule-control method for managing and controlling projects, including the ability to schedule periodic report generation and electronic delivery to users of interest.

**Unisys** ("The Mapper System") teaches the advantages of using the MAPPER database management system.

**Korzeniowski** ("Unisys Wants RDBMS Links Across Three Lines") teaches that Unisys is attempting to provide links between its DBMS products (one of which is MAPPER) to provide the ability to build client-server applications using different DBMS products.

**Knight** ("Unisys Phasing Out its Proprietary OS") teaches that Unisys is providing a significant level of support to its established MAPPER DBMS customer base.

**Seybold** ("Sperry's Mapper: System Generator for End-Users") teaches Sperry's MAPPER database management system has a 500,000 user installed base in 2,000 sites.

**Sametz** ("Sperry Goes for Lower End") is a product announcement for MAPPER 10.

Art Unit: 2177

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Luke S. Wassum  
Art Unit 2177

lsw  
April 8, 2002



JEAN R. HOMERE  
PRIMARY EXAMINER